

R277-613 RECEIVED FINAL APPROVAL BY THE UTAH STATE BOARD OF EDUCATION ON OCTOBER, 2, 2009. THE RULE IS SCHEDULED TO BE PUBLISHED IN THE NOVEMBER 1, 2009 UTAH STATE BULLETIN, SUBJECT TO A 30-DAY COMMENT PERIOD, WITH A FIRST POSSIBLE EFFECTIVE DATE OF DECEMBER 8, 2009.

R277. Education, Administration.

R277-613. School District and Charter School Bullying and Hazing Policies and Training.

R277-613-1. Definitions.

A. "Board" means the Utah State Board of Education.

B(1) "Bullying" means intentionally or knowingly committing an act that is done for the purpose of placing a school employee or student in fear of:

(a) physical harm to the school employee or student; or

(b) harm to property of the school employee or student.

(2) Acts of bullying may include:

(a) endangerment to the physical health or safety of a school employee or student;

(b) any brutality of a physical nature such as whipping, beating, branding, calisthenics, bruising, electric shocking, placing of a harmful substance on the body, or exposure to the elements to a school employee or student;

(c) forced or unwilling consumption of any food, liquor, drug, or other substance by a school employee or student;

(d) any forced or coerced act or activity of a sexual nature or with sexual connotations such as asking a student to remove articles of clothing or expose or touch private areas of the body;

(e) other physical activity that endangers the physical health and safety of a school employee or student; or

(f) physically obstructing a school employee's or student's freedom to move.

(3) The conduct described in R277-613-B(2) constitutes bullying, regardless of whether the person against whom the conduct is committed directed, consented to, or acquiesced in, the conduct.

C. "Cyberbullying" means the use of e-mail, instant messaging, chat rooms, pagers, cell phones, or other forms of information technology to deliberately harass, threaten, or intimidate someone for the purpose of placing a school employee or student in fear of:

(a) physical harm to the school employee or student; or

(b) harm to property of the school employee or student.

D. "Hazing" means intentionally or knowingly committing an act that is:

(1) done for the purpose of initiation or admission into, affiliation with, holding office in, or as a condition for, membership or acceptance, or continued membership or acceptance, in any school or school sponsored team, organization, program, or event.

(2) Acts of hazing may include:

(a) endangerment to the physical health or safety of a school

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employee or student;

(b) any brutality of a physical nature such as whipping, beating, branding, calisthenics, bruising, electric shocking, placing of a harmful substance on the body, or exposure to the elements to a school employee or student;

(c) forced or unwilling consumption of any food, liquor, drug, or other substance by a school employee or student;

(d) any forced or coerced act or activity of a sexual nature or with sexual connotations such as asking a student to remove articles of clothing or expose or touch private areas of the body;

(e) other physical activity that endangers the physical health and safety of a school employee or student; or

(f) physically obstructing a school employee's or student's freedom to move.

(4) The conduct described in R277-613-D(3) constitutes hazing, regardless of whether the person against whom the conduct is committed directed, consented to, or acquiesced in, the conduct.

E. "Policy" means a set of standards and procedures that includes the provisions of Section 53A-11-301(3) and additional standards, procedures, and training adopted in an open meeting by a local board of education or charter school board that define hazing and bullying, prohibit hazing and bullying, require annual discussion and training designed to prevent hazing and bullying among school employees and students and provide for enforcement through employment action or student discipline.

R277-613-2. Authority and Purpose.

A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and supervision of public education in the Board, Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities, and the responsibility of the Board to provide assistance with and ensure school district/charter school compliance with Section 53A-11a-301.

B. The purpose of the rule is to require school districts and charter schools to implement bully and hazing policies district and school wide, to provide for regular and meaningful training of school employees and students and to provide for enforcement of the policies in schools, at the state level and in public school athletic programs.

R277-613-3. Utah State Board of Education Responsibilities.

A. To the extent of resources available, the Board shall provide training opportunities or materials or both for employees of school districts and charter schools on bullying and hazing.

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B. The Board may interrupt disbursements of funds consistent with Section 53A-1-401(3) for failure of a school district or charter school to comply with this rule.

R277-613-4. Local School District and Charter School Responsibilities.

A. Each school district and charter school shall implement a policy prohibiting bullying and hazing consistent with Section 53A-11a-301.

B. Each school district and charter school shall, no later than December 1, 2009:

(1) post a copy of its policy on the school district/charter school website; and

(2) provide a copy of the school district/charter school policy or URL to the Utah State Office of Education.

C. Each school district and charter school shall post a copy of its policy on district or school website no later than November 1, 2009.

D. Each school district and charter school shall provide a copy or a uniform resource locator (URL) of the district/school policy passed by the local school board or charter school board to the State Superintendent of Public Instruction no later than November 1, 2009.

E. Policies shall provide for training to students, staff, and volunteers consistent with the following:

(1) training specific to overt aggression that may include physical fighting such as punching, shoving, kicking, and verbal threatening behavior, such as name calling, or both physical and verbal aggression or threatening behavior;

(2) training specific to relational aggression or indirect, covert, or social aggression, including rumor spreading, intimidation, enlisting a friend to assault a child, and social isolation;

(3) training specific to prohibitions against bullying or hazing of a sexual nature or with sexual overtones;

(4) training specific to cyber bullying, including use of email, web pages, text messaging, instant messaging, three-way calling or messaging or any other electronic means for aggression inside or outside of school;

F. Policies shall also:

(1) provide for an assessment of the prevalence of bullying in school districts, schools and charter schools, specifically locations where students are unsafe and additional adult supervision may be required, such as playgrounds, hallways, and

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lunch areas;

(2) complement existing safe and drug free school policies and school harassment and hazing policies; and

(3) include strategies for providing students and staff, including aides, custodians, kitchen and lunchroom workers, secretaries, paraprofessionals, and coaches, with awareness and intervention skills such as social skills training.

G. The policy shall also provide direction to employees about bullying and dealing with disruptive students. This part of the policy shall:

(1) direct schools to determine the range of behaviors and establish the continuum of administrative procedures that may be used by school personnel to address the behavior of habitually disruptive students;

(2) provide for identification, by position(s), of individual(s) designated to issue notices of disruptive student behavior;

(3) designate to whom notices shall be provided;

(4) provide for documentation of disruptive student behavior prior to referral of disruptive students to juvenile court;

(5) include strategies to provide for necessary adult supervision;

(6) be clearly written and consistently enforced;

(7) include administration, instruction and support staff, students, parents, community council and other community members in policy development, training and prevention implementation so as to create a community sense of participation, ownership, support and responsibility; and

(8) provide notice to employees that violation(s) of this rule may result in employment discipline or action.

R277-613-5. Training by School Districts and Charter Schools Specific to Participants in Public School Athletic Programs and School Clubs.

A. Prior to any student or employee or volunteer coach participating in a public school sponsored athletic program, both curricular and extracurricular, or extracurricular club or activity, a student or coach shall participate in bullying and hazing prevention training.

B. School districts and charter schools may collaborate with the Utah High School Activities Association to develop and provide training.

C. School districts and charter schools that have students or employees who participate in athletics supported by public

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education funding shall provide the Utah State Office of Education Law and Legislation Section with a training curriculum outline, training schedule and signatures of training participants.

D. Student athletes and extracurricular club members shall be informed of prohibited activities under this rule and notified of potential consequences for violation of the law or the rule or both.

E. School districts and charter schools that offer athletics shall provide annual training to all new students and new employees and require refresher training for all students and employees at least once every three years.

F. Training schedules and participant lists shall be maintained by each school or school district and provided to the Utah State Office of Education upon request.

R277-613-6. Professional Responsibilities of Employee and Volunteer Coaches.

A. All public school coaches shall act consistent with professional standards of R277-515 in all responsibilities and activities of their assignments.

B. Failure to act consistently with R277-515 toward students, colleagues and parents may result in discipline against an educator's license.

KEY: bullying, hazing; policies; training

Date of Enactment or Last Substantive Amendment: 2009

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-401(3); 53A-11a-301